



Federal Election Commission
Washington, DC 20463

VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED

December 27, 2006

Jess Durfee
San Diego Democratic Party
8304 Clairemont Mesa Boulevard #108
San Diego, CA 92111

Re: ADR 347(MUR 5727)

Dear Mr. Durfee:

On April 7, 2006 the Federal Election Commission ("FEC" or "Commission") received your complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended.

After considering the circumstances of this matter, the Commission has determined to exercise its prosecutorial discretion and to take no action against the Respondents, Howard Kaloogian for Congress and Betty Presley, Treasurer, Eric Roach, Eric Roach for Congress and David Bauer, Treasurer. In its memorandum to the Commission, dated November 28, 2006, this office stated:

Summary: The complaint alleges that Howard Kaloogian, Kaloogian for Congress, and Betty Presley, Treasurer (collectively "Kaloogian Respondents" or "Kaloogian Committee"), and Eric Roach, Eric Roach for Congress and David Bauer, Treasurer (collectively "Roach Respondents" or "Roach Committee") violated the "stand by your ad" provisions of the FECA while campaigning for the Special Election in California's 50th Congressional District. Specifically, the complaint alleges that while television advertisements had the required video of the candidate stating that he authorized the advertisement, the Kaloogian Respondents and the Roach Respondents failed to include a similar statement in clearly readable writing at the end of the television communication as required by 11 C.F.R. 110.11(c)(3)(iii), 2006.

The Kaloogian Respondents contend that their television advertisements comported with a July 2003 FEC publication entitled "Special Notices on Political Ads and Solicitations." The Kaloogian Respondents further contend that they followed the example and had text in a clearly readable manner, with a reasonable degree of

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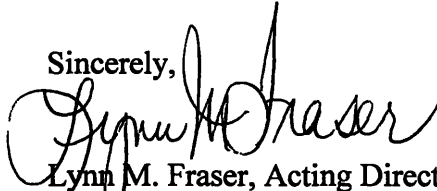
color contrast, for a period of at least four seconds, at the conclusion of the advertisement which stated "Paid for by the Kaloogian for Congress Committee." Following receipt of the complaint, the Kaloogian Respondents revised the text at the end of the advertisements to read "Paid for and Authorized by the Kaloogian for Congress Committee."

Accordingly, the Commission closed its file in this matter on December 14, 2006.

The FEC is obligated by federal regulations to make a finding to terminate its proceedings public, as well as the basis therefore. 11 C.F.R. § 111.20(b). In addition, the Commission will also place on the record copies of the complaint, correspondence exchanged between Respondents and the Commission, and reports prepared for the Commission by this office to assist in its consideration of this matter. Accordingly, copies of documents relative to this matter will be forwarded shortly to the FEC's Public Information Office.

The Act allows a complainant to seek judicial review of the Commission's dismissal of this action. See 2 U.S.C. § 437g(a)(8).

Sincerely,



Lynn M. Fraser, Acting Director
Alternative Dispute Resolution Office